

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

Case No. 17-20147

v.

Hon. George Caram Steeh

D-1 RICHARD MESSERLY

Defendant.

**ORDER FOR PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION
OF DEFENDANT TO DETERMINE COMPETENCY**

Based on the government's unopposed motion, the Court finds that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering defendant mentally incompetent to stand trial. Accordingly, pursuant to the Insanity Defense Reform Act of 1984, 18 U.S.C. §§ 4241-4247, it is hereby ordered:

- (1) That a psychiatrist or psychologist be directed to examine the mental condition of defendant, *see id.* §§ 4241(a),(b), 4247(b);
- (2) That the examining psychiatrist or psychologist prepare, as soon as practical, a written report that includes (1) the defendant's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to

understand the nature and consequences of the proceedings against him or to assist properly in his defense, *see* 18 U.S.C. §§ 4241(b), 4247(c);

- (3) That the examiner shall promptly file the written report with this Court and provide copies of the report to defense counsel and the attorney for the government, *see id.* § 4247(c). The report may be used by any party for purposes of a competency hearing, detention hearing, or any other purpose the Court may order; and
- (4) That the period beginning with the Government's unopposed motion and ending with the conclusion of the competency hearing, *see id.* §§ 4241(c), 4247(d), which will take place at a date and time set by the Court after the Court and parties receive the examiner's written report, be deemed excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(1)(F), and that the period beginning the day after the conclusion of the competency hearing and ending with the Court's ruling on defendant's mental competency or with the lapse of 30 days, whichever occurs first, be deemed excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(H).

Counsel for defendant Messerly is further **ORDERED** to inform the Assistant United States Attorney, within 10 days of this order, of multiple dates that defendant Messerly is available to undergo a competency examination in order to schedule the competency exam by April 30, 2017. In addition, counsel for defendant Messerly is further **ORDERED** to produce, no later than 72 hours prior to his competency exam, any medical records documenting his Parkinson's disease and/or any other medical conditions to be considered by the psychiatrist or psychologist retained by the United States.

IT IS SO ORDERED.

s/George Caram Steeh
HON. GEORGE CARAM STEEH
United States District Judge

Entered: March 27, 2017